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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/502,258	05/13/2005	Andreas Myka	617-011875-US (PAR)	5387
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PERMAN & GREEN 425 POST ROAD FAIRFIELD, CT 06824			EXAMINER RAMPURIA, SHARAD K	
			ART UNIT	PAPER NUMBER
			2617	
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**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/502,258	<b>Applicant(s)</b> MYKA ET AL.	
	<b>Examiner</b> Sharad Rampuria	<b>Art Unit</b> 2617	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 12 March 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### *Disposition of the claims*

The current office-action is in response to the Amendment filed on 03/12/2008.

Accordingly, Claims 1-15 are imminent for further assessment as follows:

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over **Glorikian** [US 6343317 B1] in view of **Heinonen; Eeva-Liisa et al.** [US 6728530 B1].

As per claim 1, **Glorikian** teaches:

A system, (Abstract) comprising:

A first data storage (41; Fig.2) in a mobile terminal (29; Fig.2, Col.3; 54-63), the first data storage being adapted to store information, (Col.3; 54-63),

a second data storage including external data, the system further comprising i) a first communicator adapted to retrieve from said remote data repository data including an object and/or information extracted from an object, ii) at least one predetermined criterion, defining a relationship between the retrieved data and said external data, iii) an analyzer, adapted to analyze whether said relationship fulfills a predetermined condition, and iv) a selector responsive to the analysis means, adapted to select data to be delivered to the mobile terminal when said condition is met, (e.g. In this embodiment of the invention a secondary communication link is opened between Internet appliance 71 and a location system 73 provided by the host of the indoor exhibit. The purpose of this communication is to establish the position and dynamics of movement of a user of appliance 71 within the confines of the indoor exhibit, The skilled artisan will recognize that there are alternative ways this may be done; Col.7; 59-66, and also e.g. At step 87 the appliance determines if the service is to be for an indoor or an outdoor facility. This may be as simple as the presence or absence of a GPS signal received by the appliance's GPS system. In the event the service is indoor, the appliance will receive identifying and initializing input from the local position system. If the application is indoor, the identification will determine in step 89 whether the particular service is local position only, with Internet information, or both local position and information. For the local position and information system, control goes to

step 91, and the local system determines position, and the position, and in some cases dynamic information derived from changes in position relative to time, is used to pull information and push it to the client. The process loops (95) continuing to tell position and pass information until such time as the user intervenes, or some basic parameter changes. Although this loop is shown as between steps 91 and 93, in reality the loop may be back to, for example, step 87 at least periodically, so, if the client exits the building, the system may switch to the outdoor service. If at step 89 the determination is that the service is local position but Internet information, the appliance determines local position at step 97 (communication with local position system) and passes the position data to the Internet service, which pulls info and pushes it to the client at step 99. Again, dynamic data may be determined and used as well, as previously described, and the system continues to loop (101) re-determining position and continuing to access and push information. The loop may periodically revert at least to step 87 as well, as also previously described; Col.9; 18-43) and

A second communicator responsive to the selector means adapted to deliver the selected data to the mobile terminal. (e.g. where the appliance determines the GPS position and passes that to the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9).

**Glorikian** doesn't teach specifically, at least one remote data repository connected to a telecommunications system for storing personal content including data objects and/or information extracted from said objects, whereby at least one of the repositories is assigned for the use of each mobile terminal. However, **Heinonen** teaches in an analogous art, that at least one remote data repository connected to a telecommunications system for storing personal

content including data objects and/or information extracted from said objects, whereby at least one of the repositories is assigned for the use of each mobile terminal. (e.g. Col.7; 20-65)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention including at least one remote data repository connected to a telecommunications system for storing personal content including data objects and/or information extracted from said objects, whereby at least one of the repositories is assigned for the use of each mobile terminal in order to provide a Calendar display apparatus, and an associated method, displays the calendar display at a mobile terminal operable in a radio communication system. The calendar display includes calendar items retrieved from both a local storage element and from a network-based calendar database.

As per claim 2, **Glorikian** teaches a system according to claim 1, the system further comprising an accessor to an external network for retrieving said external data. (e.g. where the appliance determines the GPS position and passes that to the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9)

As per claim 3, **Glorikian** teaches a system according to claim 2, wherein said external network is the Internet. (e.g. where the appliance determines the GPS position and passes that to the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9)

As per claim 4, **Glorikian** teaches a system according to claim 1, wherein the external data is retrieved from an external network to which the data repository is operationally connected. (where the appliance determines the GPS position and passes that to the Internet service, which pulls the relevant information at step 105 and pushes it to the client; Col.9; 44-48, Col.9; 59-Col.10; 9)

As per claim 5, **Glorikian** teaches a system according to claim 1, wherein items i), ii), iii) and iv) are located in a computer. (computer: Col.3; 31-38)

*Claims 6-9* is the **method** claims corresponding to **system** claims 1-4 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1-4 respectively, above.

*Claims 10-12* is the **apparatus** claims corresponding to **system** claims 1-3 respectively, and rejected under the same rational set forth in connection with the rejection of claims 1-3 respectively, above.

As per claim 13, **Glorikian** teaches:

An apparatus according to claim 10, wherein the apparatus further comprises retrieval means for retrieving the external data from an external network being operationally connected to the data repository. (e.g. server, 13; Col.8; 16-26, 38-45)

As per claim 14, **Glorikian** teaches:

A system according to claim 1, wherein external data retrieved from the second data storage is analyzed or handled and the results are stored in the at least one remote data repository. (e.g. server, 13; Col.8; 16-26, 38-45)

As per claim 15, **Glorikian** teaches:

A system according to claim 1, wherein rules for selecting the data to be delivered are generated automatically or manually. (e.g. server, 13; Col.8; 16-26, 38-45)

### ***Response to Amendments & Remarks***

Applicant's arguments with respect to claims 1-15 have been fully considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sharad Rampuria whose telephone number is (571) 272-7870. The examiner can normally be reached on M-F. (8:30-5 EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, William Trost can be reached on (571) 272-7872. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000 or

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/Sharad Rampuria/  
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Art Unit 2617